

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LILLIANA SANCHEZ,

Plaintiff,

v.

EXPERIAN INFORMATION  
SOLUTIONS, INC, *et al.*,

Defendants.

Case No. 1:23-cv-01169-NODJ-CDB

ORDER ON STIPULATION EXTENDING  
TIME FOR PARTIES TO FILE  
DISPOSITIONAL DOCUMENTS AS  
MODIFIED

(Doc. 24)

On January 12, 2024, Plaintiff Lillian Sanchez filed a notice of settlement of her claims against Defendant Equifax Information Services LLC. (Doc. 18). On January 17, 2024, the Court directed the parties to file dispositional documents by no later than February 5, 2024, or before that date, show cause to extend the time for filing dispositional documents pursuant to Local Rule 160(b). (Doc. 20).

Pending before the Court is the parties' stipulation for order extending their time to file dispositional documents by approximately 60 days. (Doc. 24). The parties represent that good cause exists for the extension because they "are continuing to work on carrying out the terms of the settlement between the parties. These terms have not yet been completed, despite the Parties' continued efforts in this regard." *Id.* at 2.

The parties' apparent desire and intention to delay filing dispositional documents until after

1 they have completed performance of terms pursuant to their settlement agreement does not  
2 constitute good cause for an extension. That is because, generally, a federal question claim as was  
3 presented in this case is “extinguished by the settlement and converted ... into a claim under a  
4 contract,” a breach of which the parties should pursue in state court. *See Kay v. Board of Educ. of*  
5 *City of Chicago*, 547 F.3d 736, 737, 739 (7th Cir. 2008).

6 Since it is clear from the pleadings that the parties have settled their respective claims, the  
7 claims are subject to dismissal under Federal Rule of Civil Procedure 41(a)(2) even though the  
8 parties have not yet entered a stipulated dismissal. This dismissal order could issue since “literal  
9 compliance with the stipulation requirement has not been required where the agreement of all  
10 parties is apparent.” *Garber v. Chicago Mercantile Exchange*, 570 F.3d 1361, 1366 (Fed. Cir. 2009)  
11 (internal citation and quotations omitted). *Accord, Eitel v. McCool*, 782 F.2d 1470, 1472-73 (9th  
12 Cir. 1986).

13 The Court declines to recommend dismissal at this juncture as it is apparent the parties have  
14 worked diligently to reach a negotiated resolution. Instead, the Court will grant the parties 14 days  
15 to meet and confer prior to filing an appropriate stipulation for dismissal – no further extensions  
16 will be granted absent good cause unrelated to the parties’ performance under the settlement  
17 agreement.

18 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff shall file dispositional  
19 documents no later than February 22, 2024.

20 IT IS SO ORDERED.

21 Dated: **February 8, 2024**

22   
UNITED STATES MAGISTRATE JUDGE